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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,770	06/29/2001	Mary Purvis	PUR-001/CON	5937

7590 07/27/2004

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EXAMINER

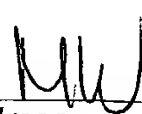
FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/893,770	<b>Applicant(s)</b> PURVIS, MARY	
	<b>Examiner</b> Michael J Fisher	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 45-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of species III in Paper No. 7 is acknowledged. The traversal is on the ground(s) that there is no undue burden on the examiner and further that the actions taken in the parent negate this. This is not found persuasive because the species are not held by applicant to be obvious variants and therefore would require separate consideration of each of the affixation devices as individually patentable. Further, the particulars of the parent application are different from the instant application and therefore, the decisions in regard to the election of species are different.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 45 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. US PAT D378,562 (Miller).

Miller discloses in each a method comprising providing a structural member (the lid of each, with indicia as shown, the lid being affixable to a base via an affixation device (the lids would not stay on otherwise), the structural member being releasably affixed (otherwise it could not be opened) to a planar portion (the top of the cooler would

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have a planar section) of an insulating cooler device . As to claim 51, the Miller patents disclose sports-related logos.

Miller does not, however, teach having a plurality of interchangeable structural members (lids). Miller D378,562 discloses different lids for the coolers (figs 1,5 and 9 show different lids). It would have been obvious to one of ordinary skill in the art to make different lids available for the coolers so the coolers could be useful year-round. (During golf season, the top with the golf-ball, during basketball season, the top with the basketball, etc.) The different lids would be affixed for a period of time, during the usage of the cooler.

Claims 52,53 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as applied to claims 45 and 51 above, and further in view of Blackwelder.

Miller discloses a cooler as discussed above. Miller does not, however, teach attaching different logos to the same lid. Blackwelder discloses affixing different attachments (30) to a container for limited periods of time, dependent on the whim of the user. To modify the interchangeability of Miller employing known attachment means, as disclosed by Blackwelder, would have been obvious in order to provide different decorations at different times, as suggested by Blackwelder.

Claims 46 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Blackwelder as applied to claims 45, 51-53 and 62 above, and further in view of either one of Forrer and Brodbeck. Forrer and Brodbeck each disclose applying adhesive to a container to allow interchanging indicia on the container. To modify the art previously employed by employing adhesive as the releasable affixing

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means would have been obvious as a substitution of equivalent affixing means recognized in the art.

### ***Response to Arguments***

As to arguments over the restriction requirement, the instant application is different from the parent and therefore, the actions taken are different.

Applicant's arguments with respect to claims 54-62 have been considered but are moot in view of the new ground(s) of rejection.

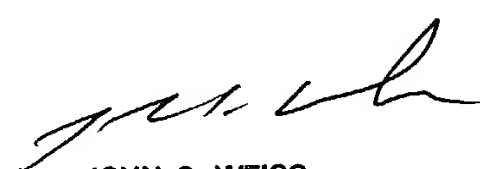
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 703-306-5993. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF 

7/26/04

  
JOHN G. WEISS  
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